

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

STATE OF CALIFORNIA, et al.,

Plaintiffs,

No. C 06-4333 PJH

v.

INFINEON TECHNOLOGIES AG,
et al.,

**ORDER ON ADMINISTRATIVE
MOTION TO FILE OVERSIZED
OPPOSITION**

Defendants.

Before the court is the AG plaintiffs' motion for administrative relief, filed November 20, 2006. The AG plaintiffs seek permission to file an oversized opposition to defendants' motion to dismiss, of no more than 110 pages. Alternatively, plaintiffs seek to file six oppositions to the motion to dismiss (which would grant plaintiffs a total of 150 pages). Defendants, for their part, have filed no opposition to the motion. Per the local rules – to which the court directs all parties' attention – defendants' opposition to, support for, or statement of non-opposition, was due by the end of November 27. See Civ. L.R. 7-11; Civ. L. R. 7-3(b). Notwithstanding the lack of any responsive filing, however, and the November 27 deadline having passed, the court hereby deems plaintiffs' administrative motion submitted pursuant to Civ. L.R. 7-11(c).

While the court appreciates that there are nearly 40 AG plaintiffs represented in the current action, and that some of these plaintiffs' arguments are not necessarily overlapping, a 110 page opposition brief is simply too unmanageable for the court to consider, let alone the 150 page sum total that 6 opposition briefs would allow. The court will, however, grant plaintiffs permission to file an oversized opposition of no more than 60 pages, in order to

1 accommodate plaintiffs' need to develop their arguments fully with respect to all
2 representative states. The court further notes that, at 60 pages, the AG plaintiffs'
3 opposition would still be more than *twice* the length of defendants' opening brief, which
4 defendants – who bear the burden of proof on this motion – managed to jointly file within
5 the normal page limitation.

6 To the extent that issues exist with respect to the page limitations applicable to
7 future motions filed by the parties, the court will discuss them at a future case management
8 conference with the parties.

9
10 **IT IS SO ORDERED.**

11 Dated: November 28, 2006



PHYLLIS J. HAMILTON
United States District Judge